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THE PEACE PROBLEM

BY JOHN BASSETT MOORE

It is inevitable that in times of stress and of trouble our usual sense of the relations of things should be impaired, if not wholly lost. The mind, burdened with the griefs as well as with the pressing problems of the moment, is disposed to think of the past only as a failure and to regard the temporary wreck of its hopes and aspirations as a finality. From the depressing clutch of a vision thus distorted it is not unprofitable now and then to disengage ourselves. Sooner or later, normal conditions will return; and although certain changes, the durability of which the future alone can determine, may then have taken place, we shall find ourselves dealing, not with a new heaven and a new earth, but with the same terrestrial globe and the same firmament, and with problems which, because they inhere in human activities, are as old as man himself.

Of these problems none is more fundamental than that which I have chosen as the subject of the present paper—the peace problem. It is fundamental because it involves life itself, the very existence of peoples and of states, and the preservation of those accumulated benefits of human thought, effort and experience, which, in their aggregate, we call civilization. And for the reason that the problem bears this character, for the reason that it touches all the springs of action and is as complex as human nature itself, I shall not undertake to offer here a new and ready solution of it. While the fakir who sold pills that were said to be good for the earthquake may have excited the applause and the patronage of his hearers, it is not related that he gained their permanent gratitude. In order that we may be sure of our remedy, or in order that we may at any rate avoid the dangers of a want of vigilance and of effort, it is necessary to

know the nature of our malady and the precise forms of its manifestation. So, if we would find a remedy for war, we must understand its nature and symptoms. We must examine the conditions and impulses that produce it. To this preliminary but essential task I propose in the main to devote myself here, in the hope that its performance may contribute to the intelligent direction of our aims as well as to the cure of illusions and the prevention of mistakes.

The past three hundred years, to say nothing of earlier times, have not been wanting in plans for the preservation of peace, some of which have proceeded from men of great eminence. Sully, in his *Memoirs*, ascribes to Henry IV of France a "grand design" for the rearrangement of the states of Europe in such manner as to do away with jealousies and apprehensions regarding the balance of power. There were to be in all fifteen states, of which six—France, Denmark, Great Britain, Lombardy, Spain, and Sweden—were to be hereditary monarchies; five—the German Empire, Bohemia, Poland, Hungary, and the Papacy—were to be elective monarchies; and four—Venice, and three others established respectively in Italy, Switzerland, and the Belgic provinces—were to be republics. For the regulation of the relations of the independent states thus formed, there was to be a general European council, modelled on the Amphictyonic, but to sit continuously and to consist of about seventy persons, of whom four were to be sent by each of the larger Powers and two by each of the lesser. There were also to be local councils, from which appeals might be taken to the general council, whose decrees were to be final. This project has often been described, not inappropriately, as a plan for the abasement of the House of Austria, and for this reason alone it could hardly be treated in its day as a practical measure.*

After more than a hundred years the scheme of federation was elaborated by the Abbé de St. Pierre, but with an animus less obviously partisan. The Christian sovereigns of Europe were to form a permanent union for the preservation of peace, and, after a certain number had entered, the rest were if necessary to be coerced into joining. Agreeing

* A comprehensive and highly philosophical discourse on the occasion and means of establishing peace and liberty of commerce by all the world may be found in "*Le Nouveau Cynée*" (Paris, 1623), by Emeric Crucé, a reprint of which, edited, with an English translation, by Thomas Willing Balch, Esq., was published in Philadelphia in 1909.

to be content with the territory they severally possessed or with what was to be allotted by treaty, the members of the union were to establish through their representatives a Senate, which, besides codifying the laws of commerce, was to compose differences by mediation, or, if this failed, by arbitration. No sovereign was to take up arms, or commit hostilities, except against one who had been declared an enemy of the European society. Any sovereign taking up arms before the Union had declared war, or refusing to execute a regulation of the Union or a judgment of the Senate, was to be declared such an enemy, and the Union was then to make war upon him until he should be disarmed or until the regulation or judgment should be executed, in addition to which he was to pay the cost of the war and to lose any territory taken from him before the close of hostilities. When the forces of the Union were thus employed, each State was to furnish the same number of troops, but the expenses were to be paid by the more powerful sovereigns; nor was there, in time of peace, to be an inequality of forces, except that a powerful sovereign might, with the consent of the union, employ foreign troops for his garrisons, so as to prevent seditions. When the Union declared war against a sovereign, a generalissimo was to be named by a majority vote. It was further proposed that the European Union should endeavor to bring about the formation in Asia of a permanent society like that in Europe.

The well known plan of William Penn, though far less elaborate than that of the Abbé de St. Pierre, which it antedates, lays much stress on the judicial function of the central body, and embraces the idea of the association of forces for the purpose of compelling the submission of disputes and the performance of judgments. Nor can it be denied that Penn manifested a keen sense of the delicacy of the matter with which he was dealing, when he proposed that the room in which the central body or diet was to meet should be round, and should have several avenues of entrance and of exit, in order that quarrels as to precedence might be avoided.

A century later two great philosophers, Immanuel Kant and Jeremy Bentham, one German and the other English, who were destined to leave a deep impress upon the world's thought, applied themselves to the baffling problem on lines not identical but by no means divergent. They both recom-

mended a limitation of armaments, but in the main relied upon the creation of a state of public right in the progressive development of which the desired consummation would be gradually attained. Bentham, with characteristic predilection for legal processes, particularly emphasized the importance of establishing a common judicature for the determination of international disputes, reasoning that, if such a tribunal existed, war would no longer follow from a difference of opinion, since the decision of the arbiters would "save the credit and the honor" of the contending parties. That this conception, which was by no means original with Bentham, is intrinsically valid, can hardly be questioned; for, not only has it inspired all intelligent and successful efforts to promote international arbitration, but its soundness has been exemplified in the actual settlement and termination of many grave and important controversies.

While enough has been disclosed to justify the conclusion that recent proposals for the preservation of peace by means of leagues or alliances contain little that is new, a cursory examination of the records of the past will also show that their principle has often received a practical application.

It was tried, with a considerable measure of success, in the Amphictyonic League among the states of ancient Greece. This league, whose objects were at first religious, then religious and political, and at last chiefly political, held, through its council, two meetings a year; and while the council did not perform the functions either of a national assembly or of a tribunal of arbitration, it acted as an organ of consultation, through which its constituents were enabled to act in concert for the preservation of peace. With the exception of the fact that it was a permanent body and held stated meetings, its functions were not unlike those that have been performed by the international congresses which have from time to time been held in Europe during the past three hundred years. These conferences have indeed more frequently been held for the restoration than for the preservation of peace; but, whether held before or after war, their chief object has been to establish a condition of things under which peace might be maintained. Especially has this been the case since the Congress of Westphalia, which finished its work in 1648. The international system established by this congress, in spite of the wars that super-

vened, reached its formal end only with the peace of Amiens in 1802. It was eventually replaced with a new system, created at Paris and Vienna in 1814 and 1815, the dominant thought of which was the substitution of the principle of concert for that of the balance of power, on which, in spite of all efforts, the states of Europe have tended to range themselves and are now actually aligned.

In a work recently published, under the title of *The Confederation of Europe*, by Mr. W. A. Phillips, an eminent English historian, many interesting disclosures are made concerning the attempt, during and after the Napoleonic Wars, to found, under the auspices of certain Powers, what may be termed a league to enforce peace. The leader in this movement was the Emperor Alexander I of Russia, a deeply religious man with a tendency towards mysticism, who in his youth imbibed from his tutor, a Frenchman named Frédéric César de La Harpe, an exponent of the transcendental "philosophy of humanity," the ideas of liberty and equality of the French Revolution. In weighing the aspersions sometimes cast on Alexander's character and motives, it is well to bear in mind that the efforts to discredit his proposals were by no means always disinterested; that if, as the result of assassinations and other incidents, he eventually fell under reactionary influences, he only manifested a susceptibility from which no one is wholly exempt; and that, between malevolence and an obtrusive benevolence, the methods and results do not always enable us clearly to distinguish. Nor is it out of place to say that if, in the Holy Alliance and other acts which he promoted, he evidently regarded himself as a chosen instrument of God, he merely manifested a human tendency from which even elective rulers are not invariably exempt. It is indeed strange that one who has, whether by birth or by the suffrages of his fellow-citizens, been elevated to a high station, should regard Providence as having had a hand in the work, and should think no worse of Providence or of himself on that account!

As early as 1804, Alexander, in secret instructions to his confidential agent in England, M. de Novosiltzoff, which were supplementary to those given to the Russian ambassador in London, proposed the "combination of the resources and forces of Russia and Great Britain," in order to constitute "a vast mass of power," with a view "to fix the future peace of Europe on a solid and permanent basis."

Europe was to be reorganized; governments representing the wishes of the people were to be established; everywhere public institutions were to be "founded on the sacred rights of humanity," and were to breathe "the same spirit of wisdom and benevolence." Of the operation of such institutions order would be the necessary consequence. Moreover, the parties to the treaty by which the relations of the European states were to be defined were "never to begin a war until after exhausting every means of mediation by a third Power," and were also to adopt a code of international law which, if violated by any of the parties, would "bind the others to turn against the offender and make good the evil he has committed." Alexander even declared it to be desirable to arrive at an arrangement regarding Turkey "in conformity with the good of humanity and the precepts of sound policy"; and believing, as he said, that the peace of Europe could be preserved only "by means of a league, formed under the auspices of Russia and England," Powers which were interested in order and justice and would only by their union be able to maintain it, he even ventured to suggest that, with a view to further the great design, the British Government might "make some change in its maritime code," so as to conciliate the neutral Powers and do away with their distrust of British preponderance at sea.

This suggestion was not warmly received. Indeed, the Russian ambassador in London reported that England, in order to prevent the Mediterranean from becoming, according to the current phrase, a "French lake," felt it indispensable to keep Malta, the retention of which had caused the renewal of the war with France, and considered any alteration of her maritime code to be "equally out of the question." The cherished project, however, was not abandoned by its author. On the contrary, it was later symbolized by the Holy Alliance, which in terms bound the contracting parties to observe in their conduct the precepts of the Christian religion, and was essentially transfused into the Quadruple Alliance between Great Britain, Austria, Prussia and Russia, signed November 20, 1815, which, in order to "consolidate the connections which so closely united the four sovereigns for the happiness of the world," bound them (Article VI), "to renew their meetings at fixed periods," either personally or by their ministers for the purpose of "consulting upon their common interests," and of devising

measures which should "be considered the most salutary for the repose and prosperity of nations, and for the maintenance of the peace of Europe."

Pursuant to this scheme, Alexander on October 18, 1818, presented to his allies at the conference at Aix-la-Chapelle a confidential memorandum, in which he proposed that, while the Quadruple Alliance should be preserved, all the signatories of the Congress of Vienna treaty should make a declaration putting the rights of nations under a guarantee analogous to that which protected individuals. Metternich on behalf of Austria hailed the memorandum with "diplomatic unction"; Prussia, apprehensive as to her new acquisitions on the Rhine, welcomed it. Great Britain opposed it, her spokesman, Lord Castlereagh, declaring that the blessings of perpetual peace would seem too dearly bought at the price of subjugating Europe to an international police, of which the armies of Russia would form the most powerful element, and that "a universal union, committed to common action under circumstances that could not be foreseen," so far from leading to disarmament, would leave the decisive voice to "the master of the biggest battalions." He avowed the belief that, until "a system of administering Europe by a general alliance of all its states" could be "reduced to a practical form, all notions of a general and unqualified guarantee must be abandoned." In the end the parties to the Quadruple Alliance signed a protocol, to which France was invited to adhere, by which they declared that the convention of October 9, 1818, regulating the execution of the treaty of peace of November 20, 1815, was regarded as "the accomplishment of the work of peace" and the completion of the political system destined to secure its solidarity"; that their "intimate union," having "no other object than the maintenance of peace," the "guarantee" of the transactions on which it was founded, and "the strictest observance of the principles of the rights of nations," offered to Europe "the most sacred pledge of its future tranquility"; and that they must constantly labor for "the repose of the world," solemnly acknowledging that their duties to God and their people peremptorily required them to give to the world "an example of justice, of concord, and of moderation."

The union thus described reached its high-water mark at the conference of Aix-la-Chapelle, which acted, as Phillips

remarks, "not only as a European representative body, but as a sort of European supreme court, which heard appeals and received petitions of all kinds from sovereigns and their subjects alike." Great Britain finally broke away when it was proposed to extend the activities of the union to the Western hemisphere, where, as the Russian Government remarked, the revolution in the Spanish colonies fixed the attention of "two worlds" and involved the interests of the "universe" and "the future perhaps of all civilized peoples." The idea of a European league to enforce peace readily expanded in its author's mind into a world association for the same purpose. Castlereagh's successor, George Canning, was even more critical of the whole policy. Canning declared that not only had England's "dignity" been wounded, but that her "material interests" were threatened; that for "Europe" he would desire now and then to read "England"; and later he even congratulated himself that, with France "constitutionally hating England," things were "getting back to a wholesome state again, . . . every nation for itself and God for us all," and instructed the British ambassador at St. Petersburg to bid the Russian Emperor "be quiet," as the "time for Areopagus and the like of that" had "gone by." In America the prevalent attitude toward the suggested interposition of the allied Powers in the contest between Spain and her revolted colonies was unmistakably reflected in President Monroe's famous pronouncement.

I have set forth with some particularity the history of Alexander's project of union, not only because it occupies so large a place in the diplomacy of Europe during the first quarter of the last century, but also because it so clearly exemplifies, in its progress and its fate, the possible or probable obstacles with which the attempt to establish such a plan must reckon. The author's evident belief in it was its mainstay, but this naturally ceased to be effective when an ally felt that it no longer needed his support, or might promote its own interests even by antagonizing him. When the situation was thus reversed, the liberties of small states and the cause of peace and humanity were readily found outside the union rather than within it. In other words, the national interest was preferred to the common interest, and the national interest, as has often happened, was in no small part avowedly "material" or commercial.

We have seen that Castlereagh did not relish the prospect of the army of a strong military Power, even when united with the armies of other Powers, marching through the confederation for the purpose of enforcing peace. The Abbé de St. Pierre sought to avoid such an objection by proposing that the armies of great and small Powers should be numerically the same; but, considering the question purely as one of physical resistance or attack, we cannot disregard the latent strength which territory, population and resources themselves may assure. The great importance of this consideration is shown in the wars growing out of the French Revolution and the ensuing Napoleonic Wars. Austria and Prussia, alarmed at the Revolution, began a war against France, but historians are generally agreed that they would have speedily retired from the contest had not Great Britain taken part in it. British statesmen seem to have thought that internal anarchy would compel France to succumb, but the belief in her weakness did not prevent them from forming against her a coalition which, before the end of 1793, embraced all the Christian Powers of Europe, except Sweden, Denmark, Genoa, Venice, the Grand Duchy of Tuscany, and Switzerland. Nevertheless, the war lasted, with one brief intermission, for more than twenty years; and when France emerged from it in 1815, she retained with slight exceptions her boundaries of 1790, furnishing to the world an example of the strength of a united people and of the danger of underrating the power and resources of an adversary. The advocates of a "small international police" as an effective preventive of armed conflicts may find here material for reflection.

Lastly, it will be observed that Castlereagh objected to anything in the nature of an international administration of Europe. From the point of view of rendering predominant the power and prestige of his own Government, his position was no doubt correct; but he seems also to have admitted that such an administration would be essential to the success of the scheme. It would indeed be important both materially and morally; materially, as a means of fusing the interests of all in a common interest; morally, as a means of creating a common allegiance. It is by the combination of these two measures—the substitution of concert for unlimited competition and the fostering of the sentiment of unity—that the great empires and federations of to-day in effect

operate as peace agencies. This they do within themselves. But, as regards one another, what is their attitude? That of rivals, who may lawfully prosecute their ambitions by all possible means. Internally, the destruction of life and property for gain is forbidden; externally, it may be commanded, and this upon the theory that a number of men can, by associating themselves in a political society, place themselves above any earthly authority.

It is in this attitude of mind, which is exemplified in the recognized law of conquest, that we find the crux of the peace problem. In a letter written in 1893, Alfred Nobel, founder of the Nobel Institute at Christiania, remarked that, if all states would with solidarity agree to turn against the first aggressor, wars would become impossible. So long, however, as states retain their present conception of their duties and functions in their relations one with another, such "solidarity" of action can hardly be relied upon. Nor is the question who was the "first aggressor" so easy of determination that the parties to such an agreement would in the exercise of their independent individual judgments be likely to concur in their conclusions upon it. Ward, in his *Law of Nations*, narrates the case, in 1292, of two sailors, the one Norman, the other English, who quarreled in the port of Bayonne and began to fight with their fists. The Englishman, who is said to have been the weaker, stabbed the other with his knife; and the local magistrates having failed to take cognizance of the case, the Normans applied to their king, who told them to take their own revenge. They instantly put to sea, and, says Ward, "seizing the first English ship they could find, hung up several of the crew, and some dogs at the same time, at the masthead. The English," continues the chronicler, "retaliated without applying to their government, and things arose to that height of irregularity, that (with the same indifference on the part of their kings) the one nation made alliance with the Irish and Dutch; the other with the Flemings and Genoese. Two hundred Norman vessels scoured the English seas, and hanged all the seamen they could find. Their enemies in return fitted out a strong fleet, destroyed or took the greater part of the Normans, and giving no quarter, massacred them, to the number of fifteen thousand men. The affair then became too big for private hands, and, the Governments interposing in form, it terminated in that unfortunate war which by the loss of

Guienne entailed upon the two nations an endless train of hostilities, till it was recovered."

Take two of our own wars of the past century. Madison, in his message to Congress in 1812, said that Great Britain was at war with the United States, while the United States were at peace with Great Britain. He therefore advised that the balance be adjusted, and Congress undertook to do it. But, as the result of disclosures made ten years later from French archives, it is now perfectly well known that Madison was mistaken in his supposed facts; and Albert Gallatin, who made the first partial discovery of the truth, declared that, if the reality had been known, the United States, it was to be assumed, never would have entered upon the course that resulted in the war. In 1846 Mexico treated the entrance of United States forces into certain territory, alleged by the United States to belong to Texas, as an act of war, and as such undertook to repel it by force. If one will examine the United States Statutes at Large, he will find there the solemn declaration of Congress, conforming to the official declaration of President Polk, that war was begun by the act of Mexico. Congress therefore recognized the existence of a state of war, instead of declaring war, but there has always been a profound difference of opinion upon the question whether this view was justified.

Nearly twenty years elapsed after the outbreak of the war between France and Prussia in 1870, before the circumstances immediately affecting the precipitation of the conflict were fully and certainly established. To these examples many others might readily be added.

Another difficulty that would arise in the execution of a mere agreement among independent states, such as that above suggested, is the regulation of the right of self-defense. In speaking of this right, it is perhaps unnecessary to make allowance for a sensitiveness so extreme as that of the gentleman who, in modestly confessing that he had taken part in eighteen wars and fought twenty-seven duels, never failed to add—"but always, suh, in self-defense!" Nevertheless, the truth is that each party to a war usually regards itself as the victim of aggression, and that, while acts of aggression or of menace are seldom wholly confined to one side, it is necessary to act upon appearances. Nor should we forget that the parties to a dispute can scarcely survey their situation with the calmness of a bystander who has noth-

ing at stake. Thus, while the first actual shot in the battle of Navarino, the consequences of which proved to be so momentous, seems to have been fired by the Turks, English writers have candidly admitted that the Ottoman commander was not unjustified in believing that he was repelling an attack on the part of the allied fleet.

Finally, in spite of loose generalizations as to the annihilation of time and distance, the fact remains that the interests of independent states are many and varied, and that, dotted over the globe, there are points of vantage whose control, while supposed deeply to affect the welfare or security of certain states or groups of states, is, rationally speaking, of little or no concern to the rest of the world. In this way the interests of nations are necessarily divided. It was the recognition of this fact that enabled the European Powers several years ago successfully to localize the wars between Turkey and the Balkan States and between the Balkan States themselves, thus avoiding the operation of the alliances that later dragged into the present conflagration certain Powers which had no direct or individual interest in the quarrel out of which it grew. The first of these was that gallant nation of which Sir Edward Grey, on August 3, 1914, declared that "no Government and no country" had "less desire to be involved in war" over a dispute between Austria and Serbia than "the Government and country of France," but that they were involved in it because of their "alliance with Russia." The wisdom or justification of this particular alliance it is not my purpose to discuss; but I would commend its later consequence to the consideration of persons of enlarged views or visionary tendency, who, in their passion for what they are pleased to call "world politics," would lightly throw away the freedom of a nation to determine its own fate.

In the formulation of plans for the preservation of peace, the complicated elements with which the present survey has dealt must all be taken into account. They can no more be neglected in the external than in the internal affairs of States. Mere alliances will not suffice. There must be organization of such character and extent as to gratify the desires, reconcile the ambitions, and settle the specific disputes of peoples, so that their attitude towards international order and internal order may be substantially the same.

In the cultivation of such an attitude no agency has been

more useful than international arbitration, a process which has the sanction of antiquity, and, where passions would permit it to be employed, of success. It was practiced between the independent Greek States, with an intelligence and precision rarely surpassed. Under the influence of a united Church, it was extensively applied during the Middle Ages. During the Thirty Years' War, while men, crazed by famine, waited upon the gallows and explored the cemetery, and, reduced to the stage of cannibalism, hunted down their fellows for food, it disappeared. Through the subsequent colonial and commercial wars, it remained in eclipse. It revived towards the close of the eighteenth century, when Great Britain and the United States applied it not only to questions of boundary, but also to disputes as to maritime right, such as have frequently occasioned wars. In its practical application it reached perhaps its highest point in the Geneva award, by which, in 1872, the claims growing out of the depredations of the *Alabama* and other Confederate cruisers were finally determined, although I would by no means fail to mention either the arbitral settlement of the Bering Sea dispute at Paris in 1893, or that of the century-old controversy as to the North Atlantic fisheries by the permanent Court at The Hague in 1910.

The treaty or convention under which this court was established was signed at The Hague in 1899 and was renewed in 1907. As is generally known, it provides for commissions of inquiry to ascertain facts and for mediation, as well as for the judicial settlement of disputes by the permanent arbitral court; and while it does not declare arbitration to be obligatory in any particular case, it excepts nothing from the process, thus adopting Bentham's view that in the decision of arbiters the credit and honor of the disputants will be preserved. In this respect it radically differs from certain later treaties, which stipulate that differences "of a legal nature, or relating to the interpretation of treaties" shall be referred to the Permanent Court at The Hague, provided they "do not affect the vital interests, the independence or the honor of the two contracting States, and do not concern the interests of third parties." The object of these treaties is said to have been to render resort to the court obligatory; but as their most important clause is that which specifies the exceptions, they recall the case of the officer who, on placing his troops in position, pointed out a way of

retreat, which, when the enemy appeared, they promptly took. In reality, the article in effect declares that nothing of a serious nature need be arbitrated. In this respect, while it may not fall below the standard of some nations, it is far behind the actual practice of others which have, during the past hundred and twenty-five years, arbitrated numerous questions that may, in the sense in which language is usually employed, be said to affect the "independence," or the "vital interests," or the "honor" of the contracting parties. The questions submitted under Article VII of the Jay Treaty were of this character. Seventy years later, when the United States first proposed to Great Britain the arbitration of the *Alabama* Claims, Earl Russell declined the proposal on the express ground that the complaints of the United States involved the "honor" of Her Majesty's Government, of which, according to the accepted phrase, he declared Her Majesty's Government to be the "sole guardian." The scope of the questions at issue had not been reduced, but had indeed been enlarged, when, in 1871, it was decided to submit the controversy to arbitration. What would indeed be thought of a code prefaced with the clause that its provisions should not be held to apply to any case which, in the opinion of either party, involved his "honor"? No doubt we should find that defendants would grow extremely sensitive on that score, but the peace and order of society would be likely to suffer.

With a view to remove the limitations imposed by the treaties above mentioned, and to set an example of confidence in amicable processes, there were concluded at Washington on August 3, 1911, two remarkable agreements, commonly known as the Taft-Knox treaties, between the United States on the one part, and France and Great Britain respectively on the other, by which an attempt was made to bring within the scope of arbitration all future differences, involving a "claim of right" and "justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity"; and in case of dispute as to whether a difference was of this nature, this question was to be referred to a Joint High Commission of Inquiry, whose vote in favor of arbitration was to be conclusive, if concurred in by all or all but one of the members. The United States Senate amended these treaties (1) by requiring the advice and consent of the Senate for any and every submission

(2) by taking from the Joint High Commission of Inquiry the power to decide that a difference was justiciable, and (3) by declaring that the treaties did not embrace any question affecting (a) the admission of aliens into the United States or to the educational institutions of the several States, (b) national or State boundaries, or State debts, (c) the Monroe Doctrine, or (d) "other purely governmental policy." The treaties were then abandoned.

The so-called peace pacts, concluded by the United States with numerous Powers during the past three years, although often criticized as treaties of unlimited arbitration, do not as a rule stipulate for arbitration at all, but merely provide for the submission of disputes to international commissions of inquiry for investigation and report within a year. Furthermore, the report, when made, is not binding, the contracting parties expressly reserving their liberty of action in regard to it. The thought underlying these treaties is (1) that they furnish an honorable means of suspending controversy, (2) that the suspension of controversy will have a tranquilizing effect, and (3) that the report of the commission of investigation probably will point the way to a fair and equitable settlement. Their practical application, however, to flagrant and continuing violations of substantial rights as to persons, property, jurisdiction, or commerce, might become difficult unless a *modus vivendi* could be arranged.

For the preservation of peace all devices, such as international conferences, arbitration, mediation and good offices, are or may be useful, according to the circumstances of the case; but back of all this we must in the last analysis rely upon the cultivation of a mental attitude which will lead men to think first of amicable processes rather than of war when differences arise. To this end it will be necessary to rid the mind of exaggerated but old and generally prevalent notions as to the functions of the State, of superstitions as to "trial by battle," of the conceptions that underlie the law of conquest, and of the delusion that one's own motives are always higher, purer and more disinterested than those of other persons, to say nothing of the passion for uniformity that denies the right to be different.

JOHN BASSETT MOORE.